

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

April 17, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, APRIL 17, 2015, BEGINNING AT 9:03 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning. This regular Council meeting of the County Council of Maui will come to order.

And, Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

EXCUSED: NONE.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you very much.

And, Members, without objection, Chair would like to take a personal privilege this morning.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. This morning we're happy to welcome the members of the Kamehameha Schools Maui Campus student government, and their advisor Naomi Ashman. And, if you would, if you would please rise as I call your name. Naomi,

welcome to you. And then this morning we also have: Halia Kekuewa, Tayler Siminski, Quinn Shiraishi, Faith Owan, Keely Lindsey, Mele Ngalu, John Williamson, and Hunter Worth. They're here to observe the Council operations.

And, Troy Hashimoto from my office was kind enough to go up and, and make a presentation on how County government works. So, we welcome you to the chamber. And, this is going to be a relatively, well, I shouldn't say anything.

COUNCILMEMBER COUCH: Yea.

COUNCILMEMBER BAISA: Yea.

CHAIR WHITE: You never know how long, how long the meeting is going to take. And with that Members, thank you very much. I know that asking for a point of personal privilege without telling you what for is, is always going to give you a little bit of pause.

But this morning I'd like to call on Councilmember Gladys Baisa to provide opening remarks.

COUNCILMEMBER BAISA: Thank you very much, Chair, for the opportunity.

First of all, this is not in my remarks, but I would like to say I'm the proud representative of the district that this school is in and I'm delighted to have them here. I told them that this is practice for when they sit in these seats.

CHAIR WHITE: Right.

OPENING REMARKS

The opening remarks were offered by Councilmember Gladys C. Baisa.

CHAIR WHITE: Thank you. Great comments this morning.

Will you all please rise and join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you very much. And, before we proceed with today's agenda, may I please ask that everyone in the chamber silence their cellphones or other noisemaking devices.

And, Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with the presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

Pursuant to the Rules of the Council, each testifier may be allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, we have one individual who has signed up to testify in the Council chamber.

The first person to testify in the chamber is Rosemary Robbins, testifying on Committee Report 15-40 and Committee Report 15-41.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on Committee Report Nos. 15-40 and 15-41):

Good morning, everybody. Rosemary Robbins, concerned citizen, substitute teacher at Kamehameha Maui; welcome, welcome, welcome. Did you hear what Ms. Baisa said? She's looking forward to seeing you up here when she's no longer in the position she's in. So, there's the challenge. Good for you. I'm sure you're up to it.

On our agenda today, there are two items that got from the Budget and Finance Committee to the Council at large. So, that's the group that's here today. And, I went over the materials. When you come down, you can just go to the seventh floor. You'll have been able to read the agenda on the lobby, floor two when you came in, figure out what's going to be coming up, and then be able to go up to the seventh floor and tell them you'd like to see the materials that are related to whatever was on that, all right. Get your good thoughts out there. Thank you.

When we went over, and I went over the things on the seventh floor the day before yesterday, there was a familiarity because I had been here when it had been in the Budget and Finance Committee before it gets to us today, hear it today. And, I'm very concerned because there are enormous references to the fact of how badly we're in debt. So, we all need to keep a handle on our own budgets, and the Council needs to make sure that the Council itself and the Administration keep a good look and belt around that budget.

One of the most frequently phrases listed in here is debt service. When Maui borrows from other entities, there's a fee for that. There's interest and penalties if it doesn't get done on time. So, to put in a brief phrase, my thought is that we need, when we're functioning, to do it right with pono; that's right in our County booklet, anybody can read it. Its bright screaming green, you can find that at the seventh floor too; take it with you. And to not only do it right with pono, but to do it timely.

We are hundreds of millions of dollars in debt for not having done things according to Federal legislation that was passed in 1972, before you folks were born. It was on the books. And, well, before some of us were born. And it's on the books that we need to keep our air and our water, Clean Air Act, clean water, and so does everybody else in the United States, to be able to cherish those gifts that are ours. Not only are they gifts to be cherished, they're law. And, when we don't abide by those laws, we get penalized daily. But, we're talking about thousands of dollars per day.

So, between the time you got up to come here this morning and now, we're already in that much more debt. So, when we're talking about debt slicing down.

CHAIR WHITE: Ms. Robbins, could you--

MS. ROBBINS: Got two of the items; 40 and 41.

CHAIR WHITE: How much time does she have left? Did we give her the extra minute?

DEPUTY COUNTY CLERK: We're, she has about ten seconds left on the first item. And when you move on the next item, you'll have an additional three minutes.

MS. ROBBINS: Okay.

CHAIR WHITE: Thank you.

MS. ROBBINS: Yea. So, on that 15-40, the first item, it talks about how within the Council, we're taking money from this kitty to put to that kitty to put to the other kitty. And some of that has been very effective, but the major debt still holds.

On item 41. One more time, we keep seeing debt reduction, debt reduction, debt reductions, and we're talking about hundreds of millions for this. I mean it just, yikes. So, when we do that, we look over and we see that, again, we're borrowing from this committee to that committee in order to cover that debt. But, the major debt keeps on in there.

So, one thing that I thought was very exciting was that, and I'm sure this is going to be addressed today, there are recommendations on how we can make sure that we get a stop on some of that. And to be able to function more effectively in the future. So, there's always a bright future there if people will look for the ways to do it.

And, my compliments to those people, especially on the Council and on the Council's Committees that worked till the midnight hours. I've been here sometimes with you on those late nights. And, just the stamina keeps, keeps going, happens.

So, one thing that I would also say that coming Upcountry is housing project going on behind the drug store up there. And that is on today's agenda too. So, to be able to get you some new neighbors up there and to be able to make sure that whatever were practices that were not the best, get turned into better and best yet. So, thank you.

CHAIR WHITE: Thank you.

Members, any clarification of the testimony needed? Seeing none, thank you very much for coming, Ms. Robbins.

MS. ROBBINS: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber. If there are any additional individuals in the Council chamber or at the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

DEPUTY COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

DEPUTY COUNTY CLERK: Thank you.

Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk. Have we received written testimony.

DEPUTY COUNTY CLERK: Mr. Chair, we have received written testimony.

CHAIR WHITE: Okay. Without objections, we'll enter the testimony into the record.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Stan E. Riddle; and
2. Barbara Luke.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, if we could close public testimony at this time.

CHAIR WHITE: Oh, thank you, thank you. Without objection, we'll close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Now we can proceed, Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-38 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 15-85, from the Council Chair, transmitting the matter of the Single Audit Report, be FILED.

CHAIR WHITE: Mr. Hokama.

CHAIRMAN, MOVE THAT COMMITTEE REPORT 15-38 AND ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion by Mr. Hokama, and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is our report from our independent External Auditor, N&K CPA's. This is the first year that they are doing the audit on the, behalf of the Council and the Legislative branch of our government.

Overall, I would say that the Auditor's found a majority of our operations, our general ledger, our grants and programs to be in good conditions. However, in my years of service, it is not often that an Auditor will state in his report a finding of material weakness, which is a significant statement for an Auditor to present to the body.

And, so while he explained that, that his concern regarding the material weakness, your Committee was also concerned about the continuing significant deficiencies of ten that the Auditor continued, the Auditor notified the Committee. And, our Committee expressed concern with findings that were continually being repeated over prior year's findings.

Other than that, Mr. Chairman, the Committee was given a recommendations on how to address those weakness and deficiencies. And, we thank the Auditor for a job well done. And at this time, I ask the Members to file this report on the Council's behalf. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

COMMITTEE REPORT

NO. 15-39 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 15 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; WEST MAUI COMMUNITY PLAN AREA, PARKS AND RECREATION, MOKUHINIA ECOSYSTEM RESTORATION PROJECT; TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-75, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COMMITTEE REPORT 15-39 WITH
ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. This is specifically regarding the Mokuhinia Ecosystem Restoration Project in West Maui. This is to ensure some security regarding the perimeters of the project site, and to also protect the interest of the cultural significant findings that are within the project. Thank you.

CHAIR WHITE: Thank you.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, in our report, it does notate that we all definitely support the mission and vision of this project, and will continue to support it.

We did have some concerns in regards to the parking lot concession that the funds were, we thought would be sufficient to provide for such needs of, like this fencing. But, I'm happy to present to the Council here today that the Archeological Inventory Survey is proceeding. It's moving very positively along. And, they have been finding some, some great important things. So, this is definitely needed and looking forward to continued positive steps forward with this project. So, thank you for that opportunity, Members and Chair.

CHAIR WHITE: Thank you. And, for the students from Kamehameha, you might be interested that this is in, it's between, or it's on the corner of Shaw and Front Streets. And, it's the Mokuhinia Pond with the island of Moku'ula which was the past residence of the ali'i when Lahaina was the capital. And, we've just begun an Archeological Inventory Survey.

And, from what we've heard, in fact just last night, they've identified large pohaku's that that indicate the edge of the island in several locations. When we did the survey back in, I can't remember, I think 1993, maybe, maybe '95, we located a pier on the Moku'ula side. The, the AIS has identified as of yesterday, a pier on the Waiola Church side. And there's documentation that the, the ali'i would canoe from Moku'ula to Waiola Church. And, so it's a, it's a very exciting time.

The measure that we're looking at adopting today provides a security fence to protect the area and keep people from getting, getting too much involved in after hour activities when we're doing an Archeological Inventory Survey.

So, with that any fur, Mr., uh Mr., Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I want to just add my thanks of, from Waiola Church as a member. But, Kamehameha Schools, they do come and donate their time to, not only work in the cemetery at the church, but with Friends of Moku'ula. So, they bring, I mean thank you for all the, the outpouring of support from this particular school. So, I just want to give a shout out and huge mahalos to the school and the students that come.

CHAIR WHITE: Great.

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 15 (2015).

COMMITTEE REPORT

NO. 15-40 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 16 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-87, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Boy that was a long introduction.

I MOVE THAT COMMITTEE REPORT 15-40 WITH ITS
RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Committee received a request and we are recommending to Council passage of first reading of this proposed bill to address administrative miscalculations in employee fringe benefits costs whereby this would be for the Highway and Water Fund requirements. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 16 (2015).

COMMITTEE REPORT

NO. 15-41 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 17 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-88, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE THAT COMMITTEE REPORT 15-41 WITH
ITS RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would, Finance was able to secure a great bond flow for the County of Maui. However, there was one change in the process of, that payments, which normally begins in July 1 of the new fiscal year. Unfortunately, Council was not informed that during this new current issuance of bond funds for County projects that the department, to try and capture better interest rates on the County's benefit, made a commitment to pay in the last month of the current fiscal year, which we normally do not do. And, therefore, funds were not readily available to pay its portion of this year's County debt service.

Therefore, this bill for an ordinance on first reading would be to provide those additional funds for the principal interest payment due June 1 of this year for the 2014 Bond Issuance. Thank you.

CHAIR WHITE: Thank you. Members, any further discussion?

For your, the Kamehameha students' knowledge, this is a, an eight million dollar payment that we're having to make. About a month early, but it's my recollection Mr. Hokama is it's saving us approximately \$200,000 in interest.

COUNCILMEMBER HOKAMA: That's a good number, Chairman.

CHAIR WHITE: Thank you. Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 17 (2015).

COMMITTEE REPORT

NO. 15-42 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 18 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-86, from the Budget Director, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

MOVE THAT COMMITTEE REPORT 15-42 WITH ITS
RECOMMENDATIONS BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. There's a motion from Mr. Hokama, with a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, your Budget and Finance Committee's recommending passage of first reading of this proposed bill that will cover projected

funding shortfalls in salaries, premium pay and operations for the Department of Fire and Public Safety.

Your Committee had intense discussion regarding the projected premium pay and additional obligations due to the new contract for our officers in the Department of Fire. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, BILL 18 (2015).

Proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-112 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated March 31, 2015)

Transmitting 67 contracts/grants for the month ending February 2015.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would request that if any Member would like to have a specific contract deleted from the motion of filing, to be referred to the B and F

Committee for finance review, the Chair is, the Committee Chair is open to those requests by the Members.

SO, THEREFORE, MEMBERS, I MOVE THAT COUNTY COMMUNICATION 15-112 BE FILED EXCEPT FOR THE FOLLOWING: AS COMMITTEE CHAIR, I AM REQUESTING THAT THE CONTRACT C5683, UNDER THE PROJECT HEADING OF KAUNAKAKAI DRAINAGE SYSTEM B, DEPARTMENT OF PUBLIC WORKS, JOB NO. 15-31, BE REFERRED TO COMMITTEE; ALL OTHER CONTRACTS TO BE FILED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: Thank you. We have a motion from Mr. Hokama with a second from Mr. Victorino.

Members, I'm sorry, Mr. Hokama, any further discussion?

COUNCILMEMBER HOKAMA: I am open to any other Members' request to have contracts submitted to the Committee, Chairman.

CHAIR WHITE: Members, are there requests for any other contracts to be referred to Committee?

Any further discussion on the motion? Seeing none, all those in favor signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

NO. 15-113 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated April 6, 2015).

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending March 2015.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO FILE CC 15-133 [S/C].

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Baisa, with a second from Mr. Victorino.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. The reason for recommending filing is this is a routine monthly report. And, it doesn't really need to go to Committee unless someone really wants to take a look at it.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the following Committees as noted:

NO. 15-114 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated April 2, 2015)

Transmitting copies of Audit Report No. 14-01, relating to the Examination of the Treasury Function of the Department of Finance.

The recommended action is that County Communication No. 15-114 be referred to the Budget and Finance Committee.

NO. 15-115 - JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS,
(dated April 2, 2015)

Relating to abolishment of positions within the Department of Housing and Human Concerns.

The recommended action is that County Communication No. 15-115 be referred to the Budget and Finance Committee.

NO. 15-116 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated March 31, 2015)

Transmitting a proposed Change in Zoning application filed by Ka Lima O Maui, transmitting documents and a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT TO P-1 PUBLIC/QUASI-PUBLIC DISTRICT FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII".

The recommended action is that County Communication No. 15-116 be referred to the Land Use Committee.

NO. 15-117 - ALAN M. ARAKAWA, MAYOR,
(dated April 2, 2015)

Transmitting a proposed resolution entitled "REMOVAL OF LILAH INABA FROM THE AFFIRMATIVE ACTION ADVISORY COUNCIL".

The recommended action is that County Communication No. 15-117 be referred to the Policy and Intergovernmental Affairs Committee.

CHAIR WHITE: Thank you, Mr. Clerk. Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: See, seeing none, Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 9 (2015)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48,
MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX HOME
EXEMPTION FOR MARRIED PERSONS LIVING SEPARATE AND APART

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILL NO. 9 PASS SECOND AND
FINAL READING.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this will bring clarity to our employees who deal with this types of request in the Department of Finance. So, that there is less discretionary decision on, on the part that the public and therefore, this would require separated married persons who wish to qualify for homeowners status in different residences to provide a copy of a separation decree and to each file separate income tax returns as a resident of the State of Hawaii. Thank you.

CHAIR WHITE: Members, any further discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I just wanted to let you know I had a conversation with the head of the division there, and he said this was a thorn in the side of some, a lot of the clerks who has been seeing this go through. And they finally got together and went and said hey what can we do about this. And, they, he told them to bring it to Council and see what happens. And so, I want to thank them for spotting this loophole and having the fortitude to come to, to their boss and, and get a ordinance passed strictly from their initiative. So, that was a good job. Thank you.

CHAIR WHITE: I would agree with that. This is another example of a, a law that this Council passes with, with the best of intentions. And, and yet there are folks that figure out a way to take advantage of what's, what's been set in our ordinances. So, sometimes need adjustments, and this is one of those appropriate adjustments.

Any further discussion, Members?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: And, just to add to what Mr. Couch said, this is a time when, as this Council has done in many, in the past, in many cases, made the corrections necessary to make sure some of these loopholes were closed like it was done in the, that you are well aware of.

And, I think, also I would ditto his comments about the employees. And, I hope they will step forward in the future in other departments to let us know, because they are the eyes and ears of the County. They deal with the consumer each and every day, our constituent. So, if there's a challenge, let us know so that if there is a rectification we need to do, we can get on it as soon as possible. So, thank you, Mr. Chair.

CHAIR WHITE: Yea, very good point. Thank you.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 10 (2015)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO MOLOKAI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, MOLOKAI BASEYARD
DESIGN AND CONSTRUCTION

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections, I would request Bills No. 11 and 12 to be brought up at the same time since it all relates to the same project.

CHAIR WHITE: Without objection, we'll have the Clerk call up the additional bills.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk, please proceed.

ORDINANCE NO. _____
BILL NO. 11 (2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4130,
BILL NO. 34 (2014), RELATING TO THE ISSUANCE OF
GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI
(MOLOKAI BASEYARD DESIGN AND CONSTRUCTION)

ORDINANCE NO. _____
BILL NO. 12 (2015)

A BILL FOR AN ORDINANCE DETERMINING THAT PART OF
THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE
COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS
OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH
SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD
NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING
SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS
OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT BILLS NO. 10, 11, AND 12 OF
2015 PASS SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama, with a second from Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the purposes of all three bills is to make one revision, and that is to put the phrase "Design and Construction" to the Molokai Baseyard Project. And so, these ordinances would allow this project to move forward and have Molokai be able to have a newly constructed facility that took care of its needs ever since the Molokai District had their bad fire many, many years ago. So, I would ask the Members to support the motion for second and final. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you.

CHAIR WHITE: Any further comment?

COUNCILMEMBER VICTORINO: Yea, Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: And, you know, I'm happy to finally see this come to fruition. I mean, when we first entered the Council eight and a half years ago, this was one of the first things that came to our desk, is this baseyard because the State was requiring us to move out of their area, or the space that is presently occupied by the Public Works.

So, I congratulate Ms. Crivello for all her efforts, and Mr. Mateo because he was one of those staunch supporters for many, many, many years. So, I'm glad to see the people of Molokai finally getting something they truly deserve; a state of the art baseyard. Thank you, sir.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

CHAIR WHITE:

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes", zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 13 (2015)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO PASS BILL 13 ON SECOND AND FINAL
READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second by Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At the meeting of March 16, 2015, your Policy and Intergovernment *[sic]* Affairs Committee voted 7-0 to recommend the passage of the proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO INTERGOVERNMENT *[S/C]* AGREEMENT WITH THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION".

The proposed bill authorizes the Mayor, excuse me, to execute an intergovernment *[sic]* agreement with the Hawaii Housing and Finance and the, and Development

Corporation to receive a grant of \$2,414,309 from the United States Department of Housing and Urban Development HOME Investment Partnership Program.

The funds are to be used to develop a portion of the Kulamalu Affordable Housing Project located in Pukalani, Maui, Hawaii. This is a great moment and be able to get this two and a half, nearly two and a half million dollars really helps us get that project off and running. So, I'll ask all the Members to support this. Thank you very much.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further comment? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes" and zero "noes".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 14 (2015)

A BILL FOR AN ORDINANCE ADOPTING THE
STATE FIRE CODE, WITH CERTAIN AMENDMENTS THERETO

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I MOVE TO PROPOSE, POSTPONE UNTIL DATE CERTAIN MAY 26, 2015, BILL NO. 14 (2015), IN ORDER TO EXPLORE THE, THIS MATTER WITH THE FIRE DEPARTMENT A LITTLE FURTHER.

CHAIR WHITE: Any objections to a postponement?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Oh, that requires a motion.

COUNCILMEMBER COUCH:

SECOND.

CHAIR WHITE: Okay.

COUNCILMEMBER VICTORINO: I think, yea, it's a motion, I think you have to.

COUNCILMEMBER COUCH: Second.

VICE-CHAIR GUZMAN: Second.

COUNCILMEMBER VICTORINO: Okay, thank you. Sorry.

CHAIR WHITE: Okay, we have a motion from Mr. Victorino and a second from Mr. Couch.

Thank you for the correction, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. There have been some concerns related to Section 16.04C.300 of the Maui County Code and the, as it relates to sprinkler system requirements for entertainment establishments where occupant load is, exceeds 100 people.

I understand the establishments may apply for a variance if they are affected. But, I would like to get an accurate count on how many of these establishments will be affected and how the department will handle this situation. So, this is the purpose of the postponement so that we can get the, the necessary information to do it right.

And, I want to thank you for bringing it to my attention last night, and working on this this morning. Thank you very much.

CHAIR WHITE: Thank you, Mr. Victorino.

And, I'd like to point out that this will be postponed till the May 26 meeting, which starts at 10:00 instead of the, the normal 9 a.m. time. So, any further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I thank Mr. Victorino for postponing this at the, for the moment. I'd also ask that he take a look at the Fire Department access roads for new subdivisions. We've had some new testimony come in and I would like to see if that can also be discussed as well. Thank you.

CHAIR WHITE: Okay, just for the Members information, this is, we're not recommitting this, we're just deferring it. So, you know, anticipate there may be a need for amendments when it comes back onto the calendar. So, any further discussion?

COUNCILMEMBER HOKAMA: Chair.

CHAIR WHITE: Yea, Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would just like to make it clear to the community; this is correct. This is a deferral of the final action. This does not go back to Committee, therefore, there'll be no Committee discussions since there's no matter in the Committee at this time.

CHAIR WHITE: Right.

COUNCILMEMBER HOKAMA: It'll be done on the, within the body of the Council.

CHAIR WHITE: Correct.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Thank you. Thank you for that clarification.

Any further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: In closing, I'll say, if I may, if you have specific amendments that you think needs to be brought forward, please inform us as soon as possible so that we can get working on it.

And I want a chance to at least work with the Department a, a little to find out, you know, the various amendments and what they think of, and then I'll have them be here on the May 26 meeting. Thank you, Mr. Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? We haven't taken a vote yet, right?

Thank you. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes; nine "ayes" and zero "noes".

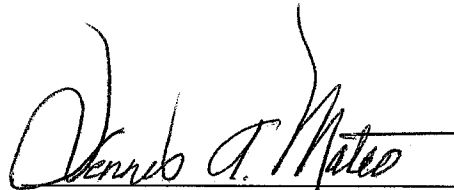
Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you, Members, for being here. And, I will see you all on Lanai this evening. And, with that, we are adjourned.

ADJOURNMENT

The regular meeting of April 17, 2015 was adjourned by the Chair at 9:44 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII